

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

<b>ePLUS Inc.,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Civil Action No. 3:09-CV-620 (REP)</b>
	)	
<b>v.</b>	)	
	)	
<b>LAWSON SOFTWARE, INC.,</b>	)	
	)	
	)	
<b>Defendant.</b>	)	

**DECLARATION OF DAVID M. YOUNG, ESQ., IN SUPPORT OF PLAINTIFF EPLUS,  
INC.'s OPENING CLAIM CONSTRUCTION BRIEF**

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I, David M. Young, declare as follows:

1. I am an attorney at Goodwin Procter LLP, counsel for Plaintiff *ePlus Inc.* in this action. I submit this declaration in support of Plaintiff *ePlus Inc.*'s Opening Claim Construction Brief.

2. I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently hereto.

3. Attached hereto as Exhibit 1 is a true and accurate copy of a chart prepared by counsel for *ePlus Inc.* entitled "Comparison of Parties' Proposed Constructions."

4. Attached hereto as Exhibit 2 is a true and accurate copy of U.S. Patent No. 6,023,683.

5. Attached hereto as Exhibit 3 is a true and accurate copy of U.S. Patent No. 6,005,516.

6. Attached hereto as Exhibit 4 is a true and accurate copy of U.S. Patent No. 6,505,172.

7. Attached hereto as Exhibit 5 is a true and accurate copy of U.S. Patent No. 5,712,989.

8. Attached hereto as Exhibit 6 is a true and accurate copy of Plaintiff *ePlus, Inc.*'s Identification of Claim Terms Requiring Construction, dated December 15, 2009.

9. Attached hereto as Exhibit 7 is a true and accurate copy of Defendant Lawson Software, Inc.'s Identification of Claim Terms Requiring Construction, dated December 15, 2009.

10. Attached hereto as Exhibit 8 is a true and accurate copy of Plaintiff *ePlus, Inc.*'s Proposed Claim Instructions, dated December 28, 2009.

11. Attached hereto as Exhibit 9 is a true and accurate copy of Defendant Lawson Software, Inc.'s Identification of Claim Terms Requiring Construction (sic), dated December 28, 2009.

12. Attached hereto as Exhibit 10 is a true and accurate copy of the Jury Instructions from the case styled as *ePlus, Inc. v. Ariba, Inc.*, Civil Action No. 1:04cv612 (LMB/BRP) (E.D. Va.) ("the Ariba Action").

13. Attached hereto as Exhibit 11 is a true and accurate copy of Judge Spencer's January 20, 1997 Markman Ruling from the case styled as *ePlus, Inc. v. SAP AG and SAP America, Inc.*, Civil Action No. 3:05cv 281 (E.D. Va.) ("the SAP Action").

14. Attached hereto as Exhibit 12 is a true and accurate copy of *ePlus, Inc.*'s Motion to Vacate Markman Ruling & Memorandum in Support (without exhibits) from the SAP Action.

15. Attached as Exhibit 13 is a true and accurate copy of excerpts from the trial testimony in the SAP action.

16. Attached hereto as Exhibit 14 is a true and accurate copy of Judge Spencer's January 19, 2007 Order Vacating Markman Ruling from the SAP Action.

17. Attached hereto as Exhibit 15 is a true and accurate copy of excerpts from Microsoft Computer Dictionary (5th ed. 2002).

18. Attached hereto as Exhibit 16 is a true and accurate copy of excerpts from Webster's II New Riverside University Dictionary (1988).

19. Attached hereto as Exhibit 17 is a true and accurate copy of excerpts from Webster's New World Dictionary (2d ed. 1986).

20. Attached hereto as Exhibit 18 is a true and accurate copy of excerpts from Webster's New World Computer Dictionary (9th ed. 2001).

21. Attached hereto as Exhibit 19 is a true and accurate copy of a Memorandum Opinion dated January 19, 2005, from the Ariba action.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Washington, D.C., this 6th day of January, 2010.

  
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David M. Young, Esq.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6th of January, 2010, the foregoing Declaration of David M. Young, Esq. in Support of Plaintiff ePlus, Inc.'s Opening Claim Construction Brief was electronically filed with the Clerk of the Court using the CM/EFC system, which will then send a notification of such filing (NEF) to the following. Copies of the foregoing were also transmitted *via electronic mail* to the following:

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